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18

19 UNITED STATES DISTRICT COURT
20 EASTERN DISTRICT OF CALIFORNIA
21 SACRAMENTO DIVISION

22 HAZEL BONINI and ROBERT BONINI,
23 Plaintiffs,
24 v.
25 JOHNSON & JOHNSON DEVELOPMENT
CORPORATION; JOHNSON & JOHNSON
26 SURGICAL, INC.; DEPUY ORTHOPAEDICS,
INC.; and DOES 1 through 100, inclusive,
27
Defendants.

28 Case No. 2:13-CV-02106-JAM-CMK

**JOINT STIPULATION TO STAY
PROCEEDINGS PENDING
TRANSFER TO MDL NO. 2197 – IN
RE: DEPUY ORTHOPAEDICS, INC.,
ASR HIP IMPLANT PRODUCTS
LIABILITY LITIGATION**

1 Pursuant to Local Rule 143 of the United States District Court of the Eastern District of
 2 California, and in support of this stipulation, plaintiffs Hazel Bonini and Robert Bonini
 3 (“Plaintiffs”), defendant Johnson & Johnson Development Corporation, and defendant DePuy
 4 Orthopaedics, Inc. (“DePuy”) state as follows:

5 1. On December 3, 2010, the United States Judicial Panel on Multidistrict Litigation
 6 (“JPML”) entered a Transfer Order pursuant to 28 U.S.C. 1407, assigning MDL No. 2197: *In re:*
 7 *DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation* (“MDL-2197”) to the
 8 Honorable David A. Katz, United States Judge for the Northern District of Ohio.

9 2. MDL-2197 coordinates all federal products liability actions – like this one –
 10 involving two hip implant systems DePuy Orthopaedics voluntarily recalled – the ASR™ XL
 11 Acetabular System and the ASR™ Hip Resurfacing System.

12 3. On October 11, 2013, DePuy removed this action from the Superior Court of the
 13 State of California, County of Shasta (Case No. 178006) to this Court.

14 4. On October 14, 2013, DePuy filed a Notice of Potential Tag Along with the JPML
 15 and included this case for transfer to MDL-2197.

16 5. On October 16, 2013, the JPML issued Conditional Transfer Order No. 214 and
 17 included this case for transfer to MDL-2197.

18 6. On October 21, 2013, DePuy filed a Motion to Stay Proceedings Pending Transfer
 19 to MDL No. 2197.

20 7. On October 22, 2013, Plaintiffs filed Plaintiffs’ Objection to the Conditional
 21 Transfer Order.

22 8. On October 23, 2013, the JPML issued a briefing schedule, setting a November 6,
 23 2013, deadline for Plaintiffs to file their motion to vacate and a November 27, 2013, deadline for
 24 any response.

25 9. Also on October 23, 2013, Plaintiffs filed Plaintiffs’ Non-Opposition to Defendant
 26 DePuy Orthopaedics’ Motion to Stay Proceedings Pending Determination of Transfer to MDL
 27 No. 2197.

28 10. On October 31, 2013, this case was reassigned to the Honorable John A. Mendez,

1 and all dates previously set were vacated.

2 11. On November 5, 2013, counsel for DePuy contacted the Court to determine if
3 DePuy should re-notice its motion to stay in light of the case reassignment. The Court informed
4 the parties that the simplest solution would be to submit a stipulation and proposed order for the
5 Court's review and consideration.

6 12. On December 3, 2013, Plaintiffs dismissed Johnson & Johnson Surgical, Inc. with
7 prejudice.

8 13. The requested stay will serve the interests of judicial economy and fairness to the
9 parties and will avoid wasting this Court's resources while DePuy's request to transfer the case to
10 MDL-2197 is pending.

11 WHEREFORE the parties hereby stipulate to stay all proceedings and to vacate all
12 deadlines in this action pending a decision on DePuy's request to transfer the case to MDL-2197,
13 *In re DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation.*

14 **IT IS SO STIPULATED.**

15 Dated: December 4, 2013

DRINKER BIDDLE & REATH LLP

16 By:s/ Michelle Childers
17 Michelle A. Childers

18 Attorneys for Defendants
19 DEPUY ORTHOPAEDICS, INC. and
JOHNSON & JOHNSON DEVELOPMENT
CORPORATION

20 Dated: December 4, 2013

BARR & MUDFORD, LLP

21 By:s/ John D. Barr (as authorized on 12/4/13)
22 John D. Barr

23 Attorneys for Plaintiffs
HAZEL BONINI and ROBERT BONINI

25 **IT IS SO ORDERED.**

26 Dated: 12/4/2013

27 /s/ John A. Mendez
The Honorable John A. Mendez
United States District Judge